

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

XUE MING WANG , individually and on behalf all other  
employees similarly situated,

Plaintiff,

- against -

1 CHIMI SUSHI INC. d/b/a ABUMI SUSHI, ABUMI  
SUSHI INC. d/b/a ABUMI SUSHI, QING ZHONG LI,  
CHENG CHAO ZHAO, LIANG ZHANG, John Doe and  
Jane Doe # 1-10 ,

Defendants.

Case No. 15-cv-09860

**STIPULATION OF  
SETTLEMENT REVISION**



**IT IS HEREBY STIPULATED, CONSENTED TO AND AGREED**

1. In response to the Court's Order dated December 8, 2017, the parties hereby stipulate and agree to the following amendment to the Settlement Agreement and General Release, fully executed on November 14, 2017 and filed on November 15, 2017 (Docket # 72)) (the "Settlement Agreement") annexed hereto.

2. The parties agree to replace the entirety of Section 1 ("Payment") of the Settlement Agreement with the following language:

**"1. Payment:** Defendants shall pay or cause to be paid to Plaintiff, via his Counsel Hang & Associates, subject to the terms and conditions of this Agreement, and as full, complete, and final settlement and final satisfaction of any and all claims or potential claims Plaintiff may have against Defendants through the Effective Date of this Agreement, including all counsel fees and costs incurred by Plaintiff, the gross sum of Seventeen Thousand Dollars (\$17,000) (the "Settlement Amount")<sup>1</sup>. All Payments shall be provided to Plaintiff's Counsel Hang & Associates, PLLC in SIX (6) equal monthly installments according to the following schedule:

<sup>1</sup> Of the Seventeen Thousand Dollars (\$17,000) Settlement Funds:

(1) \$10,071.2 , less the amount of tax that would be paid by Hang & Associates, PLLC on behalf of Plaintiff, shall be distributed to Plaintiff "Xue Ming Wang" ( the "distribution to Plaintiff" ) ; and

(a) Installment One: One check in the amount of \$2,833.3<sup>2</sup> made payable to Hang & Associates, PLLC, delivered to Plaintiff's counsel within 10 business days of court approval of the settlement documents.

An IRS Form-1099 will be issued by Defendant Abumi Sushi Inc. for the total settlement sum to Hang & Associates, PLLC, who shall be responsible for filing the income tax for the total settlement amount.

(b) Defendants will make the other five (5) equal installments in the same manner on the same day of the subsequent five (5) months, until the Defendants have paid a total of \$17,000.

All payments set forth above shall be delivered to Hang & Associates, PLLC, at 136-20 38<sup>th</sup> Ave. Ste. 10 G, Flushing, New York 11354. Should the aforementioned delivery address change within the payment period, Plaintiff's counsel shall provide Defendants' counsel fourteen (14) days' notice of the change.

3. This stipulation does not affect any other sections of the Settlement Agreement except for those specified herein.

4. Counsel for the parties sign this stipulation with the knowledge and consent of the respective parties.

Dated: December 14, 2017

**HANG & ASSOCIATES, PLLC**  
*Attorneys for Plaintiff*

**Law Offices of Vincent S. Wong**  
*Attorneys for Defendants*

/s/ Keli Liu  
Keli Liu, Esq.  
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Flushing, New York 11354  
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*Attorney for Defendants*

BY ECF

12/15/17  
So Ordered

U.S.M.J.

(2) \$6,928.8 , plus the amount of tax paid by Hang & Associates, PLLC on the distribution to Plaintiff, shall go to "Hang&Associates" for Plaintiff' s legal fees and expenses.

<sup>2</sup> Of each the \$2,833.3 installment payment, Plaintiff's Counsel shall be responsible for distributing \$ 1,678.45 of the payment, less any proportional amount of tax would be paid by Hang & Associates, PLLC on behalf of Plaintiff, to Plaintiff promptly upon receipt.